



# CITY OF MEMPHIS

## COUNCIL AGENDA September 21, 2004

Public Session Tuesday, 3:30 p.m.  
Council Chambers, First Floor, City Hall  
125 North Main Street  
Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (September 7, 2004)**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING**

1. **ORDINANCE** to amend Chapter 2, Article IX, Code of Ordinances, City of Memphis, so as to update the Occupational Safety and Health Program Section, up for F I R S T reading.

Marshall

Ordinance No. 5081

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCES- SECOND READING** (none)

### **ZONING ORDINANCE - FIRST READING**

2. **ORDINANCE** rezoning an area bounded on the north by Frayser Boulevard, on the south by the north parcel lines of the third parcel on the west side of Benjestown Road from Whitney Avenue and the north parcel line of the second parcel from Whitney Avenue on Benjestown Road, and on the west and east by the back parcel lines along Benjestown Road, up for F I R S T reading.

Peete

Ordinance No. 5082  
Case No. RC 04-402

Applicant: Division of Planning and Development  
Terry Emerick, Planning Director – Representative

Request: Establish the above location along Benjestown Road as a  
Residential Corridor as recommended by the Frayser  
Comprehensive Plan

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

### **ZONING ORDINANCES - SECOND READING**

3. **ORDINANCE** rezoning the north side of Fox Plaza Drive; +147 feet east of Mendenhall Road, containing .79 acre in the Local Commercial (C-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5077  
Case No. Z 04-130

Applicant: John Galbrath

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** rezoning an area generally bounded on the north by the Loosahatchie River, on the east by the I.C. Railroad, on the south by the Wolf River, and on the west by the Mississippi River, up for S E C O N D reading.

Peete Ordinance No. 5078  
Case No. Z 04-131

Applicant: Memphis/Shelby County Office of Planning& Development  
Terry Emerick, Planning Director – Representative

Request: Adopt the comprehensive rezoning of the Frayser Planning District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** rezoning the northwest corner of Appling Road and Goodlett Farms Parkway, containing 35.9 acres in the Light Industrial (I-L[FCD]) District, Fletcher Creek Drainage Basin, up for S E C O N D reading.

Peete Ordinance No. 5080  
Case No. Z 04-126cc  
(Companion Case: PD 04-355cc)

Applicant: Mid-America Baptist Theological Seminary  
Jud TePaske, Fisher & Arnold – Representative

Request: College University (CU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

6. **RESOLUTION** approving final plat of HIGHLAND HEIGHTS SUBDIVISION.  
Case No. S 04-010

Resolution approves the final plat located on the west side of National Street, 204.61 feet south of Hardin Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTIO N REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

7. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04-339 – Ridgeway-Nonconnah Center, P.D. (Parcel B)

Located in the Ridgeway-Nonconnah Center Planned Development, Amended, containing 9.68 acres in Parcel B, P.D. 02-303

Applicant: Acheson Properties, LLC  
Ronald Harkavy – Representative

Request: Amend conditions of Parcel B to permit Automobile Dealership (Acura of Memphis)

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 04-344cc – Greenscape Planned Development

Located on the northside of Summer Avenue (U.S. Highway 70); +/-1,120 feet east of Westbrook Road, containing 8.69 acres in the Agricultural (AG) District

Applicant: GreenScape, Inc.-Frank Colvett, Sr.  
Bray-Davis Firm, LLC - Representative

Request: Planned development to permit office and commercial uses, including a landscape contractor's office with outdoor storage yard and display areas within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 04-351 – Racquet Club Condominium P.D.

Located on the southwest corner of White Station and Sanderlin Road, containing 3.503 acres in the Single Family Residential (R-S10) District

Applicant: Bryan-Turley Properties  
Homer Branan – Representative

Request: Amend PD 03-356 to: 1) reduce the building height from 8 stories to 4 stories with a loft; 2) reduce the requested number of units from 118 to 64; 3) reduce the setback for buildings 2 stories and greater from 75 feet to 35 feet

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 04-355cc – Appling Commons Planned Development, 3<sup>rd</sup> Amend. (Companion Case: Z 04-126cc)

Located on the northwest corner of Goodlett Farms Parkway and Garrett Ridge Road, containing 11.86 acres regulated by the conditions of P.D. 97-315 (Appling Commons Planned Development, Area B)

Applicant: Mid-America Baptist Theological Seminary  
Jud TePaske, Fisher and Arnold, Inc. - Representative

Request: Multiple Family Residential use – 128 apartment units as an ancillary use for a college, university or seminary

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SD 04-703 – Hudgins Street Dedication

Located on the southern terminus of Hudgins Road; +/-1,100 feet south of Prada Avenue, containing 4,623 square feet in the Single Family Residential (R-S8) District

Applicant: Ferrell Properties, LLC  
SR Consulting, LLC – Representative

Request: Road Dedication

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 04-606 – Court Avenue Alley

Beginning +109 feet south of Court Avenue; extending south to Madison Avenue, containing 0.032 acre in the Highway Commercial (C-H) District

Applicant: Baptist Memorial Hospital  
Ollar Surveying Company – Representative

Request: Close and Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. SAC 04-611 - Hudgins Street Closure

Located on the southern terminus of Hudgins Road; +/-1,100 feet south of Prada Avenue, containing 36,987 square feet in the Single Family Residential (R-S8) District

Applicant: Ferrell Properties, LLC  
SR Consulting, LLC – Representative

Request: Close and Vacate Street Right-of-Way (**This closure starts at the Shelby County/Desoto County Line and proceeds north +/-630 feet to a point in the centerline of Hudgins Road**)

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: October 5, 2004**



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**COUNCIL AGENDA**  
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## MLGW FISCAL CONSENT

8. Resolution awarding Contract No. 11003, Building Site Demolition Project, to Memphis Wrecking Company, Inc. in the amount of \$58,700.00.
9. Resolution awarding Contract No. 11009, MLGW Utility Payment Centers, to American Payment Systems, Inc. in an estimated amount of \$300,000.00.
10. Resolution awarding Contract No. 11011, North Service Center Roofing Projects, to B Four Plie, Inc. in the amount of \$179,977.00.
11. Resolution renewing Contract No. 10923, Worker's Compensation Claims Administrator, with Brentwood Services, Inc. in an estimated amount of \$61,000.00.
12. Resolution approving Change Order No. 3 to Contract No. 10928, Security Upgrades, with Automatic Gates Construction Company, Inc. in the amount of \$49,479.74.
13. Resolution awarding 36-month contract for natural gas odorant to Atofina Chemicals in the amount of \$149,940.00.
14. Resolution awarding contract for cab and chassis to Barloworld Freightliner in the amount of \$159,758.83.
15. Resolution approving payment of annual facility maintenance fee for public water systems to the Tennessee Department of Environment and Conservation in the amount of \$68,029.74.
16. Resolution approving payment to the Memphis Regional Chamber for the 2004 commitment to "Think Memphis – A Partnership for Prosperity" in the amount of \$120,000.00.
17. Resolution approving payment to the Memphis Regional Chamber for 2004 annual membership dues in the amount of \$25,000.00.
18. Resolution approving W. R. No. C1G63586 in the amount of \$1,990,000.00 for the installation of a substation at 4025 Hacks Cross Road to relieve some of the load on neighboring substations. \$250,000.00 will be spent in 2004 and remaining funds will be provided in 2005.



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

19. RESOLUTION approving an honorary street name change for Jackson Avenue to "Dr. Melvin D. Wade Avenue."

Peete & Holt

ACTION REQUESTED: Adopt the resolution

### GENERAL ORDINANCES - THIRD AND FINAL READING

20. **ORDINANCE** to amend Chapter 15, Article I, Section 15-26.1 (Dumpster Regulation) and Article II, Section 15-42 (Designating Special Officer), Code of Ordinances, City of Memphis to authorize the issuance of citations by the Division of Public Works for violations of Section 15-26.1 and to authorize the Director of Public Works to designate special officers for the enforcement of Chapter 15, up for T H I R D and F I N A L reading.

Taylor

Ordinance No. 5074

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** amending Chapter 25, Code of Ordinances, so as to Revise and Clarify Sections of Pensions and Retirement Plan, up for T H I R D and F I N A L reading.

McCormick

Ordinance No. 5076

ACTION REQUESTED: Take whatever action Council deems advisable

### EXECUTIVE DIVISION (none)

### FINANCE & ADMINISTRATION

22. RESOLUTION appropriating \$750,000.00 in General Obligation Bonds to Bridges USA, Inc., Project (PS02006) in Fiscal Year 2005 to provide for the construction of Bridges Building.

Ford

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION authorizing and providing for the issuance, sale and delivery of City of Memphis, Tennessee, General Improvement Bonds Series 2004, for the purpose of retiring outstanding bond anticipation notes.

Ford

ACTION REQUESTED: Adopt the resolution

### DIVISION OF FIRE SERVICES (none)

**DIVISION OF GENERAL SERVICES**

24. RESOLUTION approving a Modification Agreement to the Deed and Bill of Sale between TVA, City of Memphis and MLGW dated December 31, 1984, pertaining to increased height restrictions for fly ash disposal at the TVA Allen Fossil Plant.

Jones

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

25. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring an allocation and appropriating \$203,000.00 in G.O. Bonds General from Middle Income Developers Assistance Program, Project Number CD01025 to Eastview, Project Number CD01049 for costs related to land acquisition.

Ford

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION appropriating \$704,000.00 funded by G.O. Bonds General from CD01025 for infrastructure improvements to MIDAP-Southpointe Crossing, Phase I & II for 110 units of middle income housing.

Ford

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating \$815,000.00 funded by G.O. Bonds General from CD01025 for infrastructure improvements to MIDAP-Southend, Phase II for 163 units of middle income housing.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK SERVICES**

28. RESOLUTION appropriating \$70,000.00 for Golf Clubhouse Furniture, Fixtures and Equipment and \$90,000.00 for Information Technology funded by G.O. Bonds General, chargeable to the Fiscal Year 2005 Capital Improvement Budget for Martin Luther King Park, CIP Project Number PK07002.

McCormick

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating \$563,000.00 in Furniture, Fixtures and Equipment from the Fiscal Year 2005 Capital Improvement Budget for Whitehaven Golf Center, CIP Project Number PK01012 funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amends the FY 2005 CIP Budget by transferring allocations and appropriations of \$50,000.00 in Architect Engineering and \$30,000.00 in Construction from CIP Project Number PK04001, Charles Morris Pool to CIP Project Number PK01009, Sexton Community Center funded by G.O. Bonds General for Furniture, Fixtures and Equipment.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (none)

**DIVISION OF PUBLIC SERVICES** (none)

**DIVISION OF PUBLIC WORKS**

31. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$100,000.00 in G.O. Bonds from Prevailing Wage Adjustment, Project Number PW01083 to Mud Island Road Improvements, Project Number PW04044.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES - THIRD AND FINAL READING**

32. ORDINANCE rezoning the southeast corner of Thomas Street and Knox Street, containing .23 acres in the Planned Commercial (C-P) District, up for T H I R D and F I N A L reading. (Held from 8/3;9/7)

Peete

Ordinance No. 5069  
Case No. Z 04-124

Applicant: Paul E. Harless  
Marshall Law – Representative

Request: Amend the Planned Commercial (C-P) on Lots 103 and 104 to permit a car wash facility, rezone Lot 77 from Planned Commercial (C-P) to Single Family Residential (R-S6)

LUCB recommendation: APPROVAL of amended C-P and rezoning to R-S6

OPD recommendation: REJECTION of request for Local Commercial

ACTION REQUESTED: Take whatever action Council deems advisable

**63 NOTICES MAILED ON JULY 23, 2004**

33. ORDINANCE rezoning the west side of Old Getwell Road; +674 feet north of Winchester Avenue, containing 29.29 acres in the Light Industrial (I-L) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5075  
Case No. Z 04-129

Applicant: Shelby County Government  
Gordon Olswing – Representative

Request: Multiple Family Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**38 NOTICES MAILED ON SEPTEMBER 10, 2004**

**DIVISION OF PLANNING & DEVELOPMENT**

34. RESOLUTION approving a special use permit located on the northeast corner of Whitney Avenue and Madewell Street, containing 8.35 acres in the Single Family Residential (R-S6) District.

Peete

Case No. SUP 04-218

Applicant: Girls, Inc.  
Mitch Hall, Architect – Representative

Request: Club/Institution

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable



**No Opposition at LUCB; No Public Hearing Required**

35. RESOLUTION approving a use variance located on the southside of E. Mitchell Road; +/-220 feet east of Redbud Road, containing 1.88 acres in the Single Family Residential (R-S6) District.

Peete

Case No. U.V. 04-12  
(Formerly Z 04-122)

Applicant: Will E. Askew

Request: Use variation to allow a motor vehicle service garage with temporary outdoor storage

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**PUBLIC HEARINGS**

36. RESOLUTION approving a special use permit located on the east side of Laurie Lane; beginning 114.53 feet north of Brantford Road, containing 0.28 acre in the Single Family Residential (R-S10) District.

Peete

Case No. SUP 04-208

Applicant: Margolin Hebrew Academy  
Ronald Harkavy – Representative

Request: Student Dormitory

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**60 NOTICES MAILED ON SEPTEMBER 10, 2004**

37. RESOLUTION approving a special use permit located on the west side of Lamar Avenue and the east side of Pendleton Avenue; +266.78 feet north of Brandon Circle, containing 0.17 acre in the Highway Commercial (C-H) and Single Family Residential (R-S6) Districts.

Peete

Case No. SUP 04-211

Applicant: Crown Castle, USA  
Buchart-Horn, Inc. – Representative

Request: Increase the height of an existing cell tower from 100' to 130'

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**81 NOTICES MAILED ON SEPTEMBER 10, 2004**

**GENERAL ITEM**

**ADJOURNMENT**